अन्त मे मैं यहीं माग करूंगी कि यू० जी० सी० के शैक्षिक कार्यक्रम हिन्दी व अंग्रेजी दोनो में हो।

Resignation of Justice D.P. Madon from Meham Probe

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Mr Vice-Chairman, I rise to refer to a very distressing matter which concerns our democracy, our rule of law and our judicial independence I refer to the manner in which Justice D. P. Madon was forced to resign as a one-man commission of inquiry to investigate into the Meham affair. Meham has been the shame on our democracy of which we are so proud. Free and fair elections have been the boast and the bedrock of our democracy Meham II was a murder of our democracy, a nacked assault on our democracy. It was, therefore, necessary that this use of bullet in place of ballot should have been stopped immediately. It was necessary that there should have been a fair and quick investigation. It was, therefore, necessary that there should have been a commission of inquiry constituted under the Act headed by an independent and a highly respected Supreme Court Judge to preside over that inquiry We had asked at that time for a sitting judge. But it does seem that a retired judged of the Supreme Court, Justice D. P. Madon, who has an excellent record of independence, who has an excellent probity, was chosen. Our hopes ran high that ultimately democracy would be vindicated before that commission of inquiry. He had given a report on Bhiwandi riots which till today is highly appreciated by all concerned. It is indeed a matter of regret that the Government has been deliberately going slow and putting all sorts of obstacles in permitting this inquiry to come to its legitimate end. If I may quote the words of Justice Madon himself, this is what he says: "The inquiry is as good as dead. Those interested in seeing that this inquiry should not proceed have succeeded admirably. Because of the lapse of much time there has been sufficient opportunity to terrorise and coerce the witnesses with the result that it is almost impossible for the truth to come out." I think this is a very serious indictment. The manner in which such an illustrious judge as Justice D. P. Madon has been treated is indeed very shameful and no words are strong enough to condemn that action on the part of the Government and particularly the Minister of State for Home Affairs. Justice Madon was not given even staff, not even a stenographer or a secretary to do his work. He was not given any quarters to live in And it has been explained by him in a long letter the details of which I do not want to go into. He was not given even funds. He did not have even postage stamps to send his notices by post. But the conclusion to which he has come that the inquiry is as good as dead and that it was a deliberate attempt to see that it was dead is something for the entire House to respond very, very, strongly. One still remembers that day in May this year when Amir Singh died; an innocent young man of 36, a dedicated worker died in Mahem; he was an independent candidate. I am happy that the Leader of the House is here. The least that this Government can do is—the Law Minister is also here—and I will ask the Prime Minister, to speak personally to Justice D. P. Madon and persuade him to recall his resignation. But, before you do that, you have also to see that the terms of reference are also put in order. Even the terms of reference are far from desirable. Therefore, this also must be done. We knew that Mr. V. P. Singh talked about value-based politics, but he never satisfied the litmus test of value-based politics. But, if this Government means business, if this Government wants to satisfy that test—for that matter, I am quite sure that even Mr. Devi Lal and even Chautalaji who was a candidate there, would welcome an

[Shri Murlidhar Chandrakant Bhandare]

independent inquiry and they would show that they have nothing to hide—they must stop this kind of needling

I appeal to the Government to stop this kind of needling and this deliberate attempt to frustrate the inquiry

I request the Prime Minister personally to take up this matter....

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): The Law Minister is here now.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: ..and provide the infrastructure and give him all that is necessary. The Law Minister is responsible—I do not know whether he has his hears for this—for maintaining.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Mr. Law Minister, your attention is being drawn by Mr. Bhandare.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Mr. Law Minister, you are responsible for maintaining the dignity of the Supreme Court Judges. Today, you are not getting the sitting Judges to act on the Commissions of Inquiry Tomorrow, you will not get even retired Judges, independent and fearless Judges, who will have the respect and confidence of the people, to act under the Commissions of Inquiry Act. Therefore, you kindly put up the infrastcrutre, give him what he wants and then phone him up and persuade him to recall his resignation.

I hope that the Law Minister, the Home Minister and the Prime Minister will come before this House before the Session is over saying that the needful has been done and that the Commission will complete its inquiry within the stipulated period of time.

With these words, I once again condemn the inaction of the Government, its neglect and its indifference.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Its action or inaction!

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Yes, Sir. Thank you very much.

SHRI S. S. AHLUWALIA (Bihar): Sir, before the Law Minister intervenes, I want to make a submission.

THE MINISTER OF COMMERCE WITH ADDITIONAL CHARGE OF THE MINISTRY OF LAW AND JUSTICE (SHRI SUBRAMANIAN SWAMY): Mr. Vice-Chairman, Sir, ...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Just a minute. Mr. Ahluwalia, are you associating yourself with this?

SHRI S. S. AHLUWALIA: Yes, Sir; I am associating But I have to make a few points

THE VICE-CHAIRMAN (PROF CHANDRESH P THAKUR): Please do not make a speech.

श्री सुरेन्द्रजीत सिंह अहलुवालिया: उपसभाध्यक्ष महोदय, इसी साल के मई महीने मे... (**व्यवधान**)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You see, you are only to associate yourself with this Please do not make a speech on this

श्री सुरेन्द्रजीत सिंह अहलुवालिया मैं उन्ही के समर्थन में खड़ा हुआ हूं और मैं अपने दो शब्द आपके सामने रखना चाहता हूं । यह वही बुलेट का हार है जो मैं इस सदन में पहनकर आया था। लेकिन इन गोलियों के छब्बे अभी तक वहां प्लास्टर नहीं किये गये हैं और इन गोलियों के चलाने के बाद जो खून है, वह खून अभी तक सूखा नहीं । हमने सरकार बनने के लिये समर्थन दिया लेकिन दुर्भाग्य इस बात का है कि सरकार बनने के बाद इन छब्बों को जहां धोना

चाहिये था, इन जख्मों को जहां भरना चाहिये था वहा इस मुल्क के उप-प्रधान मंत्री देवीलाल जी वहां पर सोने का मुकुट और चांदी की छड़ लेकर... (व्यवधान)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You have made your point. Now listen to the Law Minister.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : उपसभाध्यक्ष महोदय, यह नैतिकता का और मौलिकता का सवाल है। इसी सदन में सरकार ने एक आश्वासन दिया था लेकिन उस आश्वासन के साथ धोखा किया गया और वहां जो जज भेजा क्वा, रिटायर्ड जज उसको किसी भी तरह के अधिकार नही दिये गये और वहां से दुःखी होकर उन्होंने... (व्यवधान)

उपाध्यक्ष (प्रो. चन्द्रेश पी. ठाकुर) अहलुवालिया जी, यह बात उन्होंने कह दी है ... (व्यवधान)

श्री सुरेन्द्रजीत सिंह अहलुवालिया : महोदय, नैतिकता का परिचय देते हुये वहां पर एक स्वतंत्र जज का इंक्वायरी कमीशन बिठाया जाय और बताया जाय कि कसूरवार कौन हैं और इस मुल्क मे बुलेट की राजनीति चलेगी, बुलेट का गणतत्र चलेगा या बैलेट का गणतंत्र चलेगा, यह प्रमाणित करके यह सरकार दिखाये, धन्यवाद।

SHRI SUBRAMANIAN SWAMY: Sir, the honourable Member, Shri Bhandare, suggested that I should talk to Mr. Justice Madon and try to persuade him to come back to his job and resume the inquiry. I have already done that. Before this Parliament Session began, I talked to Mr. Justice Madon twice and tried to persuade him. I am quite satisfied—I would not quote the honourable Justice—that there is nothing that our Government has done which has given him offence It is basically frustration at the lack of facilities from the very beginning

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Treatment.

SHRI SUBRAMANIAN SWAMY. Well, lack of facility, that is the real part of the treatment. Otherwise he was not interested in anything else. He wanted adequate facilities to carry out the inquiry.

SHRI V. NARAYANASAMY (Pondicherry): Who is to provide that?

SHRI SUBRAMANIAN SWAMY: It has to be provided by the Government of the day. You must learn to make that distinction! So I spoke to him again three days ago to see if I can again persuade him and to say that he would get all the facilties that he wanted. He said that now he has come back from Delhi and it would be too much of a dislocation for him to go and so he declined to come back. The Law Ministry, after due consultation, is in the process of finding another senior Justice. In fact we are trying to look for someone senior as a former Chief Justice to head this inquiry, and I hope to make an announcement before the Parliament session is over, on this inquiry. It is a fact that some politicians have made remarks against Judges who have sat at Commissions of Inquiry and tried to bring them into disrupte. And this led the Chief Justice say that he would not spare any more sitting Judges to for Commissions of Inquiry. In this regard I would like all of us to look inside that while we appoint a Commission of Inquiry, after that if you find fault with Judges and ascribe motives to them it would make it impossible for us to administer justice. To that extent all of us should execise as much restraint as possible

Strike by NDMC Workers

SHRI RAJNI RANJAN SAHU (Bihar). Mr Vice-Chairman, Sir, I would like to draw the attention of this House, through this Special Mention, to the insanitary condition of